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**From:** Hassell, Emily [hassell.emily@epa.gov]  
**Sent:** 1/29/2018 8:29:52 PM  
**To:** AO OPA OMR CLIPS [AO\_OPA\_OMR\_CLIPS@epa.gov]  
**Subject:** News Clips - 29 January 2018

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## **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/01/pruitt-airs-environmental-concerns-about-proposed-alaska-mine-488990>

### **Pruitt airs environmental concerns about proposed Alaska mine**

By Alex Guillen, 1/26/18, 7:34 PM

EPA Administrator Scott Pruitt today announced he has serious concerns about any potential mining project in Alaska's Bristol Bay region, creating doubt that the controversial Pebble Mine proposal may ultimately be approved.

EPA said in a release today that it will suspend its proposed withdrawal of Obama-era restrictions after hearing from Alaskan residents and other interested parties. The proposed mine has long drawn opposition from some in the state, including independent Gov. Bill Walker, as well as environmentalists, over worries that it could harm Bristol Bay's critical salmon fisheries.

"It is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there," Pruitt said in a statement. "Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection."

The permitting process, which is handled at this stage by the Army Corps of Engineers, can continue, EPA said. But the agency warned that the developers will have to clear a "high bar." The agency added in a release that not revealing Pruitt's doubts at this stage would be "disingenuous." EPA has veto power over such Army Corps permits.

Pebble Limited Partnership CEO Tom Collier said in a statement that the company "can demonstrate that we can responsibly construct and operate a mine at the Pebble Deposit that meets Alaska's high environmental standards."

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### **Washington Examiner**

<http://www.washingtonexaminer.com/epas-scott-pruitt-reverses-his-prior-decision-halts-approval-process-for-alaskan-gold-mine/article/2647275>

### **EPA's Scott Pruitt reverses his prior decision, halts approval process for Alaskan gold mine**

By Josh Siegel, 1/26/18, 9:33 PM

The EPA on Friday night reversed a prior decision it made and halted the approval process of a gold mine in Alaska's Bristol Bay.

EPA Administrator Scott Pruitt said the Pebble Mine project would harm the area's natural resources.

"It is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there," Pruitt said.

The decision does not cancel the mine outright, but leaves in place the Obama administration's block of the project until the EPA solicits further comments.

Pruitt said he made the decision after consulting with various stakeholders, including Alaska natives and tribal governments.

"We have restored process, reviewed comments, and heard from a variety of stakeholders on whether to withdraw the proposed restrictions in the Bristol Bay watershed," Pruitt said. "Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection."

The Obama administration had denied the mine a permit for years because of the potential impact it would have on water quality and the number of salmon that indigenous populations rely upon.

That decision led to a lawsuit in 2014 brought by the Canadian company developing the mine.

Last year, Pruitt began the process of withdrawing the Obama administration's move to block the mine, allowing the company to apply for a Clean Water Act permit from the U.S. Army Corps of Engineers.

At the time, Pruitt said his decision did not "guarantee or prejudge a particular outcome," but provided the Pebble Mine developers "a fair process for their permit application and help steer EPA away from costly and time-consuming litigation."

The developers of the proposed mine are a collective known as the Pebble Limited Partnership, comprised of Canadian miners Northern Dynasty Minerals and First Quantum Minerals.

Northern Dynasty on Friday vowed to continue with the permit process, despite Pruitt's latest action.

"The settlement agreement that the Pebble Partnership entered into with the EPA last year provides Pebble an unfettered opportunity to proceed through normal course permitting under the Clean Water Act and National Environmental Policy Act," said Northern Dynasty president and CEO Ron Thiessen. "We have every confidence that Pebble's ultimate project design will meet the rigorous environmental standards enforced in Alaska and the US."

Pruitt on Friday said the mine still could ultimately be approved and the EPA will soon open a formal public comment process to get input on the agency's next steps.

"This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project," he said. "The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable."

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### **The Hill**

<http://thehill.com/policy/energy-environment/371001-trump-epa-revives-obama-proposal-to-block-alaska-mine>

### **Trump EPA revives Obama proposal to block controversial Alaska mine**

By Timothy Cama, 1/26/18, 6:55 PM

The Trump administration is reviving a controversial Obama administration proposal to block a massive gold mine proposed in Alaska after previously saying it would revive the proposal.

Environmental Protection Agency (EPA) chief Scott Pruitt announced the surprise reversal late Friday, saying that the EPA now believes that the Pebble Mine project would be unacceptably harmful to Bristol Bay and its tributaries.

Pruitt said he made the call after speaking with various stakeholders involved in the decision, citing serious concerns over the impact from mining and mining waste on the bay.

"We have restored process, reviewed comments, and heard from a variety of stakeholders on whether to withdraw the proposed restrictions in the Bristol Bay watershed," Pruitt said in a statement.

"Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection."

Pruitt said he would soon open a formal public comment process to get input on the agency's next steps on Pebble Mine.

The decision in May to withdraw the Obama administration's proposal to block Pebble Mine was one of a series of related rollbacks by Trump's EPA.

The Obama EPA in 2014 proposed to block the southwest Alaska project under the Clean Water Act, despite Pebble not having submitted a plan or an application.

Republicans and the project's backers slammed that move as a pre-emptive veto and said it was illegal, and the EPA never finalized it because of a federal court's hold on the process.

In May, Pruitt said he would start the process of undoing the proposed veto, a move widely criticized by environmentalists and Alaska Native tribes in the area.

"We are committed to due process and the rule of law, and regulations that are 'regular,'" Pruitt said at the time.

But the EPA specified at the time that its move did not allow the mine to start operation, since the agency would still review Pebble's application if it were filed. Pebble formally applied for its permits last month.

Pebble is controversial in Alaska and among its leaders. Gov. Bill Walker (I) opposes it. Rep. Don Young (R) and Sens. Lisa Murkowski (R) and Dan Sullivan (R) want to allow Pebble to apply for a permit, but do not want the mine to hurt the Bristol Bay ecosystem, especially the salmon there.

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## **Reuters**

<https://www.reuters.com/article/us-northern-dynasty-epa-stock/shares-in-alaska-mine-developer-slide-26-percent-on-epa-reversal-idUSKBN1F1ZX>

### **Shares in Alaska mine developer slide 26 percent on EPA reversal**

By Nicole Mordant, 1/29/18, 10:51 AM

VANCOUVER (Reuters) - Shares in mine developer Northern Dynasty Minerals Ltd fell as much as 26 percent on Monday after a U.S. regulator reversed himself and maintained restrictions on the company's big copper and gold mine project in Alaska.

Administrator Scott Pruitt said on Friday the move would not derail the Pebble mine's permit application process. But it was the first sign the project's path may not be as smooth under the mining-friendly Trump administration as some analysts and the company had predicted.

Pebble, located in Alaska's Bristol Bay region, holds one of the world's largest undeveloped copper and gold deposits. Its development, near one of the biggest sockeye salmon fisheries on earth, is fiercely opposed by environmentalists, native groups and fisherman.

"The news was a surprise," said Chris Mancini, research analyst at Gabelli Funds, which owns Northern Dynasty shares.

Its U.S.-listed shares were down nearly 25 percent at \$1.15. In Toronto, the stock fell 24.5 percent to C\$1.42 after dropping as low as C\$1.39.

The Obama-era EPA in July 2014 unveiled proposals to limit large-scale mining in the Bristol Bay area, even before Northern Dynasty had started the permitting process, citing environmental concerns.

Last July, Pruitt began a process to withdraw the restrictions.

In a statement on Friday, Pruitt said he was suspending that process. "It is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there."

Environmental groups applauded the move. "The Pebble Partnership has been touting that they had smooth sailing at the state and federal level for the past year... and with this news, they clearly don't," Nelli Williams, Alaska director for conservation group Trout Unlimited, said in an email.

Northern Dynasty shares quadrupled after Donald Trump won the 2016 U.S. presidential election on expectations the long-stalled project would face an easier road under an administration keen to reduce environmental regulations to benefit business.

The view was reinforced by a settlement between Northern Dynasty and Trump's EPA in May 2017. Under it, the mine permitting process could be carried out through the U.S. Army Corp of Engineers.

That agreement "drives everything," Northern Dynasty Chief Executive Officer Ron Thiessen said in an interview late on Saturday, downplaying Pruitt's about-face.

"From my perspective this has done nothing to us... This in no way impairs or jeopardizes the (permit) process," he said.

The 2017 settlement paved the way for the miner to lure a deep-pocketed partner, First Quantum Minerals Ltd, to help fund development.

First Quantum did not respond to a request for comment.

Northern Dynasty last month started the permitting process for Pebble and is studying a smaller mine design than before.

"We're hopeful that the PLP (Pebble Limited Partnership) will be able to prove to the Army Corps that the mine can be built in such a way that the fishery will not be negatively impacted," Gabelli's Mancini said.

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### **Wall Street Journal**

<https://www.wsj.com/articles/epa-chief-reverses-course-on-pebble-mine-in-alaska-1517019786?mod=searchresults&page=1&pos=4>

### **EPA Chief Reverses Course On Pebble Mine in Alaska**

By Timothy Puko, 1/26/18, 9:23 PM

The U.S. Environmental Protection Agency is maintaining restrictions on the Pebble Mine in southwest Alaska, an unexpected reversal of what had been strong Trump administration support for one of the world's biggest mining projects.

The administration had taken steps last summer to withdraw restrictions —advanced by Mr. Trump's Democratic predecessor—on development of the site. Friday's decision suspends that withdrawal, putting in limbo a permitting process that developers had been hoping would get fast-tracked under a GOP administration that has emphasized the need to help mining, drilling and manufacturing operations.

The EPA has decided, for now, to agree with a decision by former President Barack Obama's administration that a major wild salmon spawning area—and the Native Alaskan communities that depend on them—merit special protection from the development.

"Any mining projects in the region likely pose a risk to the abundant natural resources that exist there," EPA Administrator Scott Pruitt said in a statement. "Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection."

The announcement is the latest blow to Vancouver-based Northern Dynasty Minerals Ltd. and its project in the Bristol Bay area, which was previously estimated at about \$5 billion. Northern Dynasty has previously estimated the copper and gold deposits could ultimately be worth \$300 billion to \$500 billion, but a downturn in commodity prices and intense opposition from both environmentalists and Native Alaskan communities have kept the project shelved for years.

Mr. Trump's administration had been trying to help reverse the project's fortunes amid a broader effort to roll back environmental regulations to benefit businesses. It is withdrawing or rewriting rules designed to fight climate change,

restrict coastal drilling and reduce hazardous air pollution to lower costs for businesses including power plants, oil companies and steel mills.

In the first seven months of Mr. Trump's administration, the EPA reached a court settlement with Pebble Limited so it could start a permitting process that had been blocked and then it started a process to remove restrictions that could have barred large-scale mining at the site. Officials at the Pebble Limited Partnership, Northern Dynasty's wholly owned subsidiary, said it can and will still proceed through that permitting process.

"The news does not change our approach," said Tom Collier, the company's chief executive in a statement. "We believe we can demonstrate that we can responsibly construct and operate a mine at the Pebble Deposit that meets Alaska's high environmental standards."

A final decision is pending. EPA intends to collect further public comment and the project "must clear a high bar," it said in the announcement.

Opponents—including some high-ranking Alaskan elected officials—cheered the decision. Some urged the EPA to make the protections permanent. Alaska Gov. Bill Walker said the region's longstanding fishing economy should be prioritized.

A 2014 EPA report said the Pebble mine could have significant adverse effects on the region's fisheries and the Native Alaskan communities that depend on them. Bristol Bay has the largest sockeye salmon fishery on globe, producing about half of the world's wild supply in 2014.

"The threat of large-scale mining in the watershed has caused far too much stress for far too long in the region," said Democrat Bryce Edgmon, speaker of Alaska's state House, in a statement. "This is a landmark decision for Bristol Bay that heartens our resolve to bring this fight to a close and ensure Bristol Bay is protected for generations to come."

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## Reuters

<https://www.reuters.com/article/us-usa-alaska-pebblemine/in-reversal-u-s-epa-maintains-restriction-on-alaska-mine-project-idUSKBN1FF2ZO>

### **In reversal, U.S. EPA maintains restriction on Alaska mine project**

1/26/18, 7:07 PM

(This version of the Jan. 26 story corrects headline, first, third and fifth paragraphs to show the EPA has maintained restrictions and not halted project approval process.)

WASHINGTON (Reuters) - In a surprise move, the U.S. Environmental Protection Agency reversed itself on Friday and maintained restrictions on the proposed Pebble Mine copper and gold mine project in southwest Alaska's Bristol Bay region.

"It is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there," EPA Administrator Scott Pruitt said in a statement.

President Donald Trump has championed increased domestic mining and the EPA's decision to maintain restrictions on the Pebble Mine's approval process comes as a surprise.

"Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection," Pruitt said.

The Obama administration blocked the proposed mine in 2014 over environmental concerns. Last year, Pruitt started a process to reverse that decision. The Canadian company behind the mine project then applied for a permit from the U.S. Army Corps of Engineers.

The Pebble Limited Partnership, comprising Canadian miners Northern Dynasty Minerals Ltd and First Quantum Minerals Ltd, is planning to mine 1.2 billion tons of material, including 287 million pounds of copper.

Northern Dynasty Minerals said in a statement the permitting process for the mine being overseen by the U.S. Army Corps of Engineers would continue.

"We expect the permitting process for Pebble to advance expeditiously over the next few years, and that a draft and final (Environmental Impact Statement) will be completed upon which final permitting decisions for the Pebble Project will be made," Northern Dynasty Chief Executive Officer Ron Thiessen said.

Environmentalists, commercial and sport fishermen, many Alaska Native tribal organizations and even some Republican politicians have all criticized the project, which would be built on land near Lake Clark National Park.

Alaska Governor Bill Walker, an independent, applauded the decision and thanked Pruitt "for listening to my input and that of thousands of Alaskans" who oppose the mine.

Pruitt indicated the mine could ultimately be approved.

"This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project," he said.

"The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable," he said.

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## AP

<https://apnews.com/c5237f87f3174ff895dbe151356c2fea/EPA-halts-plans-to-lift-proposed-mine-restrictions-in-Alaska>

### **EPA halts plans to lift proposed mine restrictions in Alaska**

By Becky Bohrer, 1/27/18

JUNEAU, Alaska (AP) — The U.S. Environmental Protection Agency on Friday halted plans to withdraw proposed restrictions on mining activity near a major Alaska salmon fishery, drawing praise from opponents of the Pebble Mine project.

Last year, in settling a legal dispute with the Pebble Limited Partnership, which wants to build a copper and gold mine in Alaska's Bristol Bay region, the EPA agreed to initiate a process to withdraw restrictions proposed during the Obama administration.

But in a release Friday, EPA Administrator Scott Pruitt said based on comments the agency has received, "it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there."

"Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection," he said.

About half of the world's sockeye salmon is produced by Bristol Bay, the EPA has said.



Tom Collier, CEO of the Pebble partnership, said the EPA's announcement does not deter the project. Pebble recently filed a permit application with the U.S. Army Corps of Engineers, which will trigger an environmental review of the project.

"We believe we can demonstrate that we can responsibly construct and operate a mine at the Pebble deposit that meets Alaska's high environmental standards," he said in a release. "We will also demonstrate that we can successfully operate a mine without compromising the fish and water resources around the project."

The restrictions on development proposed under President Barack Obama were never finalized; a judge had ordered the agency to stop work related to that process while the litigation between Pebble and the EPA played out.

The EPA said Friday's announcement doesn't derail the permit application process but said the application "must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable."

The agency said it plans to solicit additional public comment.

U.S. Sen. Lisa Murkowski, a Republican, said Pruitt is taking a balanced approach that lets Pebble enter the permitting process but also acknowledges EPA's duty to protect the region's fisheries.

"With the company now having filed its application, I expect that a fair, rigorous and transparent process will soon begin so that Alaskans can understand the impacts and risks, as well as the potential benefits associated with this project," she said.

Alaska state House Speaker Bryce Edgmon called Friday's announcement "a landmark decision for Bristol Bay that heartens our resolve to bring this fight to a close and ensure Bristol Bay is protected for generations to come."

Robert Heyano, president of United Tribes of Bristol Bay, said his group's fight against Pebble is far from finished.

"But today's decision, and all those who worked so tirelessly to get us here, will be celebrated," he said in a statement.

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## **NPR**

<https://www.npr.org/2018/01/28/581403241/in-reversal-epa-suspends-alaska-mining-project-to-preserve-watershed-protections>

### **In Reversal, EPA Suspends Alaska Mining Proposal To Preserve Watershed Protections**

By Daysha Eaton, 1/28/18, 7:23 PM

The Environmental Protection Agency said in a surprise announcement Friday that it was suspending its effort to withdraw proposed protections for a southwest Alaska watershed to make room for a new mine.

The proposed Pebble Mine is located about 200 miles southwest of Anchorage and roughly 100 miles upstream from the Bristol Bay watershed, one of the world's most important sockeye salmon fisheries.

EPA Administrator Scott Pruitt said in a statement that Bristol Bay fisheries deserve protection and that the proposed Pebble Mine may pose an "unacceptable" risk. In the announcement, Pruitt said, "any mining projects in the region likely pose a risk to the abundant natural resources that exist there."

Pruitt said the agency would gather more information on the project's impact on fish and natural resources. "Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection," he added.

Last year, the EPA began reconsidering restrictions that were first proposed in 2014, based on its Bristol Bay watershed assessment. The report determined that mining on the scale of the proposed Pebble Mine would have "unacceptable adverse effects" on the watershed.

In May, Pruitt settled a lawsuit brought by mine backers against the EPA. Then the agency started the process to reverse the Obama-era EPA proposal that a large mine like Pebble was too risky to go forward in the region.

Pebble Limited Partnership, a subsidiary of the Canadian mining company Northern Dynasty Minerals, announced a new investor and submitted its first permit application to build the mine last month. The EPA says it received more than 1 million comments from stakeholders — more than the number of people who live in Alaska — the majority of which were against withdrawing the earlier proposed protections.

Alannah Hurley with United Tribes of Bristol Bay, a group opposing the mine, has said members of the tribes she represents are willing to lie down in front of bulldozers to protect the waters. She called the EPA's move huge. "These proposed protections, the fact that the Trump administration is choosing to keep them on the shelf, is a recognition ... that the Pebble Mine is too toxic, even for the Trump administration," she said.

Hurley spoke by phone from the commercial fishing hub of Dillingham, the seat of resistance to Pebble Mine, where she said activists were jubilant about the EPA's announcement. "The people of Bristol Bay are really celebrating the fact that the protections that we have fought so long and hard for are not being withdrawn by the EPA and instead could potentially later be finalized," Hurley said.

Bristol Bay's fishery is the source of almost half of the world's wild sockeye salmon, according to the EPA. In addition, the region's indigenous communities rely on salmon for sustenance. Commercial fishing provided more than 14,000 full-time and part-time jobs in the region in 2009, the agency says. The Bristol Bay Regional Seafood Development Association, which opposes the mine, says the fishery produces \$1.5 billion in economic activity each year.

PLP CEO Tom Collier said in a statement that the EPA's announcement "does not change our approach," and said he believes Pebble "can responsibly construct and operate a mine ... that meets Alaska's high environmental standards." According to the EPA, its announcement "neither deters nor derails the application process of Pebble Limited Partnership's proposed project."

Alaska Gov. Bill Walker thanked the EPA and said in a statement that he had talked with Pruitt and "shared with him my belief that in the Bristol Bay region we should prioritize the resource that has sustained generations and must continue to do so in perpetuity."

Alannah Hurley of UTBB said the suspension casts a cloud of uncertainty on the permitting process for the mine. "Ideally we would like these [protections] finalized, and the battle to protect Bristol Bay from the Pebble Mine and mines like Pebble is far from over," she said. "But the fact that these protections remain in place and can be used within the process is a very positive step in the effort to protect the Bristol Bay watershed for generations to come."

A spokesperson for Pebble Limited Partnership declined to comment before deadline.

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## **E&E Greenwire**

<https://www.eenews.net/greenwire/stories/1060072149/search?keyword=EPA>

### **EPA about-faces on Pebble, may restrict development**

By Manuel Quinones and Dyland Brown, 1/26/18, 7:38 PM

In a reversal, U.S. EPA will proceed with proposed restrictions on the Pebble gold and copper mine project in the Bristol Bay area of southwestern Alaska, the agency said today.

Last May, EPA entered into a legal settlement with Pebble developers to allow them to begin the Clean Water Act permitting process. The agency soon after moved to consider undoing Obama-era proposed development limits.

"Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there," Administrator Scott Pruitt said in a statement today.

"Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection," he said. "Today's action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources."

Obama administration critics, including Pruitt, have said EPA should not have acted against Pebble prior to the project entering permitting.

EPA today said Pruitt was "following through on his promise to restore the rule of law" and noted the Army Corps of Engineers is already reviewing the Pebble project.

"This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed," said EPA's release. "However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable."

Mine opponents welcomed the move but remain skeptical of EPA under Pruitt.

"Today's announcement from EPA is a small step back from their support for the Pebble Mine project. It is clear that Administrator Pruitt is learning what Alaskans already know — the Pebble Limited Partnership should not be trusted," said Tim Bristol, executive director of the group Salmon State.

"However," he added, "this EPA has a long way to go in fixing the situation; that fact is they settled the lawsuit with Pebble, and they set aside seven years of scientific inquiry and analysis in order to pave the way for permitting."

Pebble said in a statement: "We believe we can demonstrate that we can responsibly construct and operate a mine at the Pebble Deposit that meets Alaska's high environmental standards. We will also demonstrate that we can successfully operate a mine without compromising the fish and water resources around the project."

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### **Washington Post**

[https://www.washingtonpost.com/national/health-science/in-reversal-epa-deals-setback-to-controversial-gold-mining-proposal-in-alaska/2018/01/26/75d73aae-0206-11e8-bb03-722769454f82\\_story.html?utm\\_term=.72e1ad008948](https://www.washingtonpost.com/national/health-science/in-reversal-epa-deals-setback-to-controversial-gold-mining-proposal-in-alaska/2018/01/26/75d73aae-0206-11e8-bb03-722769454f82_story.html?utm_term=.72e1ad008948)

### **In reversal, EPA deals setback to controversial gold mining proposal in Alaska**

By Juliet Eilperin and Brady Dennis, 1/26/18

Environmental Protection Agency Administrator Scott Pruitt announced late Friday that he will not scrap the agency's 2014 determination that a large-scale mining operation could irreparably harm Alaska's Bristol Bay watershed.

His decision, which falls short of blocking a proposed gold and copper mine in the region outright, represents a surprising twist in a years-long battle that has pitted a Canadian-owned mining company against commercial fishing operators, native Alaskans and conservationists determined to protect the world's largest sockeye salmon fishery.

Last spring, shortly after meeting with the top executive from the project's main backer, Northern Dynasty Minerals, Pruitt directed EPA staff to revisit the Obama-era decision to short-circuit the project using a provision of the Clean

Water Act. The 2014 decision came after several years of scientific study during which the EPA determined that the mining operation could cause “significant and irreversible harm” to the area’s fish habitat.

On Friday, after receiving more than a million public comments and consulting with tribal governments and others, the EPA said it will leave the previous administration’s determination in place while it takes additional comments. The announcement said the decision “neither deters nor derails the application process” for the mine.

“It is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there,” Pruitt said. “Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection.”

An entity known as Pebble Limited Partnership has eyed the spot in southwestern Alaska, where the headwaters of several rivers converge, as a possible mine site for more than 15 years. But Northern Dynasty Minerals didn’t file its first formal application for a federal permit until December.

The EPA’s announcement Friday noted that it “stands ready” to work with the mining company and the Army Corps of Engineers in reviewing the permitting application for the project.

Pebble Limited Partnership and its supporters, including Alaskan politicians such as Sen. Lisa Murkowski (R), had criticized the Obama administration for issuing what amounted to a preemptive veto of the project. They argued that tapping the mineral reserves buried underneath the tundra will generate well-paying jobs for local residents and additional revenue for the state and federal government.

But opponents of the mine countered that any spill could imperil one of the world’s great fisheries, which accounts for roughly a fourth of the global supply of sockeye salmon.

In a statement released by the EPA, Gov. Bill Walker (I) thanked the agency “for listening to my input, as well as the input of thousands of Alaskans who oppose rescinding” the Obama-era assessment. Walker said he had discussed the mine repeatedly with Pruitt, “and I have shared with him my belief that in the Bristol Bay region we should prioritize the resource that has sustained generations and must continue to do so in perpetuity.”

Southwestern Alaska contains a reservoir of gold worth an estimated \$120 billion. The lakes and tributaries in the region feed into Bristol Bay and a fishery that generates \$500 million a year.

In a statement Friday evening, Northern Dynasty Minerals appeared undeterred by the EPA’s shift. It noted that a settlement agreement with the agency last year provided “an unfettered opportunity” to proceed through the permitting process for the Pebble Mine project.

“We have every confidence that Pebble’s ultimate project design will meet the rigorous environmental standards enforced in Alaska and the U.S.,” chief executive Ron Thiessen said. “We expect the permitting process for Pebble to advance expeditiously over the next few years.”

Bob Irvin, president of the advocacy group American Rivers, said the EPA’s decision likely was prompted by the legal challenges the agency would have faced if Pruitt failed to go through the same lengthy administrative process that the Obama administration undertook when it ruled against Pebble Mine.

“What they figured out is that you can’t just immediately reverse actions that were taken by the previous administration if those actions” were done legally, he said. “You actually have to be able to justify your decision. . . . They are learning they can’t just run roughshod over the legal requirements.”

The Obama administration conducted a three-year review before deciding that, as Irvin put it, “this was basically the worst place in the world to locate a mine,” given its proximity to Bristol Bay’s stock of sockeye salmon.

Irvin said he suspects Pruitt's move is part of a larger effort to "green" his image politically. The EPA chief recently met with Moms Clean Air Force, a group formed to combat air pollution. And he has made a high-profile push to ramp up cleanups at a handful of Superfund sites around the country.

"But when you look at the actions he's continuing to pursue, it's clear his position hasn't changed," Irvin said. "Actions speak louder than words."

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## **E&E Greenwire**

<https://www.eenews.net/greenwire/stories/1060072257/search?keyword=EPA>

### **Pruitt played role in climate webpages' disappearance**

By Arianna Skibell, 1/29/18

A slew of emails obtained by the Environmental Defense Fund outline U.S. EPA Administrator Scott Pruitt's hand in removing climate information from the agency's website.

The files, obtained through a Freedom of Information Act request, list webpages related to climate change that EPA removed or modified last April. EDF found that more than 700 webpages and 1,200 files, such as PDFs, were removed.

The email exchanges between Pruitt's staff also indicate that he had specific requests for webpages concerning the Clean Power Plan.

In an April 4 email exchange, J.P. Freire, then serving as Pruitt's associate administrator for public affairs, noted that any webpage referencing the Clean Power Plan, former President Obama's signature climate regulation, should redirect to a page outlining President Trump's "energy independence" executive order, which initiated the climate rule's repeal.

"This looks great, and should be on the page for the Clean Power Plan. Any reference to the Clean Power Plan, any link to it, should redirect here," he wrote. "We'll need to have the blogpost that we drafted ready to go along with this to make sure we're owning the narrative of the changes."

On April 5, Lincoln Ferguson, a senior adviser to Pruitt, wrote: "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Freire responded that the page was mocked up and "should happen this week." Ferguson then wrote that he was just asking because Pruitt was asking.

The email exchanges also indicate that EPA staff attempted to archive the Obama-era webpages with much technical difficulty, while also preventing those pages from showing up in future search results.

A May 9 email from Michael Hessling, a member of EPA's web design team, featured the subject line: "Danny said you can archive Clean Power Plan. How do we keep it from getting into our own search results?"

Hessling wrote that the bulk archive was not working 100 percent, and so he resorted to archiving webpages one by one.

"It's not too slow once you get a rhythm (gonna get you), but tedious since I waited until the page was definitely archived before hitting the next," he wrote.

"The bulk archive missed four files, highlighted in yellow in the attached spreadsheet. I found three of them stuck in the queue for archiving state (so at least that fails gracefully)."

EDF has initiated an extensive review of the documents. In an initial analysis, EDF found that many webpage URLs pertaining to climate change now lead to pages stating, "This page is being updated" or "Page not found."

Some of the URLs now redirect to new webpages promoting Pruitt's agenda, while others remain active but are not accessible through any EPA portal. A number of removed items can also be viewed through EPA's archived pages.

"Many of these now-removed and -modified web pages were created to help American communities understand the science of climate change and protect themselves from its harmful impacts," Ben Levitan, an attorney at EDF, said in a statement.

"EPA is legally obligated to address climate change, which is an urgent threat to our public health and environment. The newly-released documents are yet another troubling sign of Administrator Pruitt's disregard for science and public transparency, and a reminder that we must be vigilant in holding him accountable."

EDF found that, among others, the following webpages were removed: "Causes of Climate Change," "Learn About Carbon Pollution From Power Plants," "What EPA Is Doing about Climate Change," "State Climate Action Framework" and "Communicating Vulnerabilities to Climate Change: Pregnant Women."

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## **The Hill**

<http://thehill.com/policy/energy-environment/371190-records-show-epa-chiefs-role-in-removing-climate-web-pages>

### **Records show EPA chief's role in removing climate web pages**

By Timothy Cama, 1/29/18, 10:44 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt was personally involved in the process to remove sections on climate change from the agency's website, records obtained by a green group show.

The Environmental Defense Fund (EDF) said the records it obtained via the Freedom of Information Act show a high degree of involvement by Pruitt in the April process of removing climate sections and replacing several of them with a section on President Trump's executive order to roll back the Clean Power Plan.

Environmentalists have been highly critical of the EPA's decision to remove the pages, some of which still haven't been replaced and instead forward to a page about the removal process.

In one April email to colleagues in the EPA's communications office, Lincoln Ferguson, an adviser to Pruitt, asks how close they are to removing and replacing the Clean Power Plan section.

"The Administrator would like it to go up ASAP. He also has several other changes that need to take place," Ferguson wrote.

J.P. Freire, then the head of communications, responded, "You can tell him we ... are just finishing up."

Ferguson then asked if the change could happen that day: "Just asking because he is asking."

In another email change, Susan Fagan in the EPA's Office of Environmental Information asks another staffer if people searching for the Clean Power Plan can be directed to the section on Trump's climate executive order, which the staffer obliged.

The EDF said the records further prove the danger in hiding the climate information from the public.

"Obscuring information thwarts meaningful public participation in EPA's work to protect Americans' health and safety," Ben Levitan, an EDF attorney, said in a statement. "It reinforces serious concerns that Pruitt has predetermined that he will repeal the Clean Power Plan, and that the current rulemaking process is a sham."

EPA spokesman Jahan Wilcox defended the changes and said that the old information is still available to the public.

"We are constantly updating our website to reflect new initiatives and projects of the agency," he said. "Of course the site will be reflective of the current administration's priorities — with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of our website: [www.epa.gov](http://www.epa.gov)."

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## **E&E Daily**

<https://www.eenews.net/eedaily/stories/1060072171/search?keyword=EPA>

### **Pruitt back on the Hill this week**

By Kevin Bogardus, 1/29/18

U.S. EPA Administrator Scott Pruitt will be back on Capitol Hill this week.

The EPA chief will testify in front of the Senate Environment and Public Works Committee tomorrow for what will be his first appearance before the panel since his confirmation hearing last January.

Democrats have long pushed for the oversight hearing, and it follows Pruitt's testimony last month before the House Energy and Commerce Subcommittee on Environment.

Pruitt has kept his distance from Congress; this week's appearance will be only his fourth hearing since his confirmation. That includes appearances before House and Senate appropriations subcommittees this past June.

The administrator can expect to face a hostile reception, at least from EPW Democrats. In preparation for the hearing, Sen. Ed Markey (D-Mass.) sent Pruitt a nine-page letter with questions.

"Despite your role as the head of an agency with a mission to 'protect human health and the environment' and to ensure that 'national efforts to reduce environmental risk are based on the best available scientific information,' many of your actions appear to directly contradict this mission and these longstanding goals," Markey wrote.

Markey asked Pruitt about how he has dealt with several issues at EPA, including climate change and fuel efficiency standards, as well as the agency's budget.

Also, Markey led a discussion last week where Democratic senators questioned former EPA employees about how the agency is faring under President Trump.

"They are systematically undermining generations of support for environmental enforcement, and that's what we're trying to do here, heading into next week's big hearing where Scott Pruitt will be testifying," Markey said after the meeting (E&E Daily, Jan. 24).

Pruitt can expect a warmer welcome from Republican senators. GOP lawmakers have cheered his moves at EPA to roll back regulations.

Just last week, Pruitt pulled back on the Clinton-era "once in, always in" clean air policy to limit industrial pollution, which came a little more than two weeks after a request to withdraw the standards by EPW Chairman John Barrasso (R-Wyo.) and committee member Shelley Moore Capito (R-W.Va.) (Greenwire, Jan. 26).

"The EPA's decision today is consistent with President Trump's agenda to keep America's air clean and our economy growing," Barrasso said in a statement.

Still, Pruitt has had to deal with frustration from Republicans. This fall, EPA indicated it was planning to lower requirements for biofuel levels.

That sparked a backlash from farm state senators, who held up the nomination of Bill Wehrum to be the agency's air chief. Wehrum has since been confirmed after Pruitt promised and followed through on keeping renewable fuel standards steady (Greenwire, Nov. 30, 2017).

Schedule: The hearing is Tuesday, Jan. 30, at 10 a.m. in 406 Dirksen.

Witness: EPA Administrator Scott Pruitt.

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### **The Hill**

<http://thehill.com/policy/energy-environment/370970-week-ahead-epa-chief-to-face-grilling-on-reg-rollback>

#### **Week ahead: EPA chief to face grilling on reg rollback**

By Timothy Cama, 1/29/18, 6:00 AM

Environmental Protection Agency (EPA) head Scott Pruitt will head to a Senate committee this week for his first oversight hearing in that chamber since taking the job.

Pruitt is due to testify Tuesday morning as the sole witness at an Environment and Public Works Committee hearing.

The event is likely to highlight Democratic senators strong objections and Republicans' warm support for Pruitt's aggressive deregulatory agenda in his nearly one year in office.

Pruitt has started to roll back nearly all of the major elements of the Obama administration's EPA agenda, like the Clean Power Plan and the Clean Water Rule.

He has even started to dig farther back than Obama, with a regulatory change this week that lets some major polluting facilities be subject to less stringent air emissions standards.

Democrats on the Environment Committee, led by Sen. Tom Carper (D-Del.) have been vocal about their objections. They see Pruitt as one of the most dangerous administrators in the agency's history, and they are likely to be aggressive in their questioning.

The Republicans, led by Chairman John Barrasso (R-Wyo.), have also been vocal about Pruitt, often praising his environmental rollbacks. They are likely to push back hard against Democratic criticisms.

Both the House and Senate will be in session in the coming week. All eyes will also be on President Trump when he delivers his first State of the Union address Tuesday.

Expect Trump to tout his energy agenda.

Trump has highlighted his decision to open the Arctic National Wildlife Refuge to oil and natural gas drilling and pledge to pull out of the Paris climate change agreement as two of his key energy and environmental accomplishments. He's also boasted about his aggressive deregulatory agenda across the government, which he is likely to spotlight as well.



Elsewhere in the Senate, the Energy and Natural Resources Committee will vote Tuesday on four Trump administration nominees: Melissa Burnison for the Department of Energy's assistant secretary for congressional and intergovernmental affairs, Susan Combs for the Interior Department's assistant secretary for policy, management and budget, Ryan Nelson for Interior's solicitor and Anne White for the Department of Energy's assistant secretary for environmental management.

Combs and Nelson were both nominated and had committee votes last year. But the Senate had to send them back to the White House at the end of the year because it could not get unanimous consent to hold them over to 2018.

Combs and Nelson are subject to a hold by Sen. Bill Nelson (D-Fla.). Nelson wants assurances from Interior Secretary Ryan Zinke that Florida's waters are removed from the Trump administration's upcoming offshore drilling plan.

The hold means that if Senate Majority Leader Mitch McConnell (R-Ky.) wanted to schedule votes for Combs and Nelson in the full Senate, he would need to schedule 30 hours of debate for each one.

After that Energy Committee vote, the panel will hold a hearing on natural hazards, featuring officials from the U.S. Geological Survey, the Forest Service and other stakeholders.

On the House side, the Science Committee will hold a hearing on the Energy Department's management and priorities. Lawmakers will hear from undersecretary for science Paul Dabbar and undersecretary for energy Mark Menezes.

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## **The Hill**

<http://thehill.com/blogs/congress-blog/energy-environment/371161-the-freedom-of-information-act-and-mr-trumps-epa>

### **The Freedom of Information Act and Mr. Trump's EPA**

By Michael R. Lemov, 1/29/18, 10:15 AM

When the Freedom of Information Act was passed five decades ago, Congress did not see it as an environmental protection law. But the present frenzy of the Trump administration's efforts to slash federal regulations, primarily those designed to protect the air we breathe and the water we drink and to eliminate the toxic chemicals that can kill us, may well open a new chapter for the 51 year old FOIA. It may, in fact, have already become a crucial environmental protection weapon.

Under direct orders from the president, shadowy task forces have been established by the Office of Management and Budget to formulate plans to halt or undo actions by most federal agencies.

A leading target is the Environmental Protection Agency. Under President Obama, the EPA issued key rules, such as the Clean Power rule and the Waters of the United States rule, designed to reduce major human health threats from the environment: primarily excess carbon dioxide in the air and impure run off of toxic chemicals into rivers and streams. These two rules have been under intense attack by the regulated industries, such as coal, oil and real estate development, which would like less government oversight of their operations. The Trump administration would like to assist them through elimination or reduction of these and other rules.

Based on documents obtained under the Freedom of Information Act the EPA/OMB deregulation task force, whose membership remains secret, is probably made up primarily of representatives of the fossil fuel and energy industries and of land developers that have in the past, expressed forceful opposition to the air and waters rules. It remains unknown whether any public representatives or independent experts are included in the membership. This is despite continuing efforts by environmental and citizen organizations as well as some states, both before the agency and in the courts, to obtain disclosure of the members.

The prime weapon of the press and public groups is the fifty-one year old Freedom of Information Act. It was passed by a legislative coalition of Democrats and Republicans over the fierce opposition of four presidents, of both political parties. Those chief executives argued that an opening up government records would invade the powers of the president, impair the operation of the executive branch and, surprisingly, aid the Russians (then known as the "Communist Threat").

FOIA arose out of the "McCarthy era" and the Cold War, a time filled with fear of Russia and Communism and marked by government abuses and mandated secrecy.

It took 12 years of intense struggle to enact the open government law. The fight was led by a young California congressman named John E. Moss, who had been tarred as a "red" himself as a candidate for Congress.

FOIA was one of the first laws worldwide to attempt to force transparency on reluctant chief executives. Today that includes the secretive President Trump and his EPA Administrator Scott Pruitt.

"Sunlight is the best disinfectant" the great American jurist and Supreme Court Justice Lewis Brandeis once said. Moss spent much of his congressional career and fought presidents of his own party, to prove that was right. Lyndon Johnson reluctantly signed "the f...ing thing" into law on July 4 1966.

Many nations have followed the U.S. lead. FOIA has been a means of building democracy (including in former communist bloc countries), limiting corruption and giving power to ordinary citizens. As of today 110 nations around the world have adopted laws based on FOIA, as have most American states. Only Sweden and Finland preceded the U.S. in passing such a law.

The key to FOIA's appeal is that it provides that "any person" may upon a simple written request (subject to some exceptions) ask for "any agency record", be it a task force memorandum or White House guest list. The courts can order production of the documents. There are severe penalties for agencies refusing to produce them.

FOIA was a reaction to excessive government secrecy in another time. But history does tend to repeat itself. Can FOIA be used to block a reckless anti-regulatory administration and support the gains already made in environmental protection? There are many efforts under way as well as some notable successes that suggest it can.

In August of this year, the Attorney General of California, Xavier Becerra, sued the EPA under FOIA for failing to provide agency records. California argued that the EPA records would establish that Scott Pruitt, the administrator who had previously sued EPA repeatedly as a state official, has existing conflicts of interest which would prejudice his objectivity and participation in the administrative processes in cases like the attempted Trump clean air rule repeal and the proposed clean waters revision. Such conflicts could affect Pruitt's ability to render a fair decision on repeal or revision of the Clean Power, Clean Waters and similar deregulation rules.

Simultaneously, a public interest group called Democracy Forward, filed suit under FOIA over the secrecy of the administration's appointees to all its so called regulatory reform task force panels. The case is still pending in federal court.

Another citizens group sued using FOIA to obtain information on EPA's encrypted monitoring of its employee's mail. The contractor has now withdrawn after a lawsuit by the consumer group, Public Citizen, charging the contract was placed with a political ally of the Trump administration and was not awarded by required competitive bidding.

Reporters have used FOIA to uncover a long relationship between Scott Pruitt and Devon Energy Company which wrote letters to the agency which Pruitt dutifully signed. FOIA was also used to uncover Pruitt's meetings with the Oklahoma Independent Petroleum Association industry, just prior to the issuance of a proposed rule limiting the clean air rule.

Will these efforts using the Freedom of Information Act slow or reverse the Trump administration's push to undo environmental protections laboriously erected over past decades?

The challenges are not yet fully decided. FOIA is probably only part of the answer. But FOIA leads ultimately to more information to the public; to the sunlight of democracy. The public will at minimum learn more about the close economic ties of the regulated industries and the Trump administration.

And there is a reckoning coming... as early as November 2018.

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## **E&E Greenwire**

<https://www.eenews.net/greenwire/stories/1060072243/search?keyword=EPA>

### **Trump admin moves to finalize WOTUS delay**

By Ariel Wittenberg and Amanda Reilly, 1/29/18

The Trump administration has moved to finalize a delay of the Clean Water Rule before an appeals court can withdraw its stay of the 2015 regulation.

U.S. EPA and the Army Corps of Engineers sent a final rule late last week to the White House Office of Information and Regulatory Affairs for review. It would add an "applicability date" to the rule, also known as the Waters of the U.S. rule, or WOTUS.

The Trump administration wants to finalize the delay before the 6th U.S. Circuit Court of Appeals withdraws its stay.

The Supreme Court ruled unanimously last week in *National Association of Manufacturers v. Department of Defense et al.* that lawsuits against WOTUS, which defines which wetlands and small waterways are protected by the Clean Water Act, must be decided by district courts (Greenwire, Jan. 22).

The high court ruling means the nationwide stay issued by the 6th Circuit must be withdrawn imminently.

When the court acts, the Obama-era WOTUS will go into effect in 37 states, putting the administration in the awkward position of enforcing the rule in some states while simultaneously working to replace it nationwide.

After the Supreme Court ruled last Monday, the Justice Department notified the 6th Circuit of the decision. But federal attorneys also asked the court to hold the case in abeyance until the Supreme Court issues its final judgment, after a 25-day period for parties to file petitions for rehearing. The 6th Circuit hasn't yet issued a response.

A 25-day delay could give EPA and the Army Corps enough time to issue a final regulation. Most final regulations cannot take effect until 30 days after they are published in the Federal Register, though agencies can attempt to expedite that period if they cite "good cause" for why it is in the public interest for a regulation to take effect sooner.

EPA did not immediately respond to requests for comment on whether the agency will be seeking that option.

EPA and the Army Corps had initially been working to repeal WOTUS. Their strategy changed in November after oral arguments in the Supreme Court when the administration became increasingly worried that the high court would rule in favor of industry and send the lawsuit to the district courts.

The proposed addition of an applicability date would mean WOTUS could not be enforced until 2020, giving the Trump administration time to write a replacement regulation.

Environmental groups are almost certain to challenge the legality of a WOTUS delay.

Earlier drafts of the regulation would have changed the "effective date" of WOTUS, and courts have ruled that the effective date of a rule cannot be changed after it takes effect. In its latest proposal, the administration changed that wording, saying it wants to add an "applicability date" to WOTUS. Legal experts say federal judges might not see a difference (Greenwire, Dec. 14, 2017).

While all eyes are on the 6th Circuit, the fallout from the Supreme Court's decision continues to spread in the lower courts.

The 10th U.S. Circuit Court of Appeals this morning sent litigation over WOTUS, including a suit that was filed by EPA Administrator Scott Pruitt when he was attorney general of Oklahoma, back to district court.

Citing the Supreme Court decision, the 10th Circuit issued an order finding that it does not have jurisdiction to consider challenges to the rule. The court reversed decisions by the U.S. District Court for the Northern District of Oklahoma to dismiss the two WOTUS challenges and remanded the litigation back to the district court.

The 11th U.S. Circuit Court of Appeals issued a similar decision last week (E&E News PM, Jan. 24).

Challengers to the rule are hoping to swiftly obtain an injunction from a district court should the 6th Circuit stay expire before the rule changing the applicability date of WOTUS goes into effect (E&E News PM, Jan. 26).

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### **Washington Post**

[https://www.washingtonpost.com/politics/white-house-plan-would-reduce-environmental-requirements-for-infrastructure-projects/2018/01/26/b15bd66a-0248-11e8-8acf-ad2991367d9d\\_story.html?utm\\_term=.6322aa8a3456](https://www.washingtonpost.com/politics/white-house-plan-would-reduce-environmental-requirements-for-infrastructure-projects/2018/01/26/b15bd66a-0248-11e8-8acf-ad2991367d9d_story.html?utm_term=.6322aa8a3456)

### **White House plan would reduce environmental requirements for infrastructure projects**

By Juliet Eilperin and Michael Laris, 1/26/18

The White House has drafted a proposal to scale back environmental requirements in an effort to make it easier to construct roads, bridges and pipelines across the country as part of an infrastructure plan that President Trump could release as soon as next week, according to a document obtained by The Washington Post.

The plan would change things such as how officials decide a pipeline route, how a proposed border wall with Mexico would be built and whether the National Park Service could object to a development that would impair tourists' views from scenic parks such as the Grand Canyon.

Administration officials — who have briefed GOP lawmakers, trade associations and other groups about their plans — have emphasized they are willing to alter elements of the legislative package to win enough votes to pass it in the Senate. But they have made it clear they are seeking the most sweeping changes in decades to how the federal government approves and oversees infrastructure projects.

"We have no intention of eroding environmental protections," Alex Herrgott, associate director of infrastructure at the White House Council on Environmental Quality, said when he addressed the Transportation Research Board's annual conference this month. "However, there is no denying that there is duplication and redundancy in the process that is worth taking a hard look at."

A White House official on Friday described the document as an earlier "discussion draft." But individuals familiar with the plan said many of the proposals are still the basis for negotiations with lawmakers.

"Smarter regulation doesn't mean that we are abandoning our responsibility to the environment," said the official, who spoke on the condition of anonymity to discuss ongoing internal deliberations.

Trump identified an infrastructure bill as a top priority for his first 100 days in office, but it was delayed while he focused on bruising legislative battles over health care and tax cuts. Aides say the president will pitch his plan during next week's State of the Union address and flesh out the details shortly afterward.

Critics of the administration said the proposal outlined in the document would gut key environmental protections in laws dating to the 1970s, such as the National Environmental Policy Act, the Clean Air Act and the Clean Water Act.

"The administration's legislative outline for infrastructure sacrifices clean air, water, the expertise of career agency staff and bedrock environmental laws," Theresa Pierno, president and CEO of the nonprofit National Parks Conservation Association, said in an email. "In short, the proposal reveals that this administration is not serious about restoring America's infrastructure."

Trump has argued that voluminous environmental studies should be pared down to "a few simple pages," and he has made broad declarations about how easy and productive the world would be without complex regulations.

Now, his allies said, the administration is crafting proposals that will convert the president's words into actions.

"Clearly they are trying to get these things built more quickly. That can be done while maintaining the necessary environmental protections because a lot of what holds this up is needless, duplicative review," said Nick Goldstein, vice president of regulatory and legal issues at the American Road & Transportation Builders Association. "From now until at least 2020, there's going to be somebody there considering regulatory reform."

The White House plan identifies many aspects of the current permitting process that lead to delays, including the fact that multiple agencies often weigh in on the same permit and that the federal government lacks resources to assess projects in a timely manner. To address this, it would make major changes in the arcane procedures that lie at the heart of federal oversight.

New limits and deadlines would be imposed on federal agencies reviewing projects, and in some cases, agencies — especially the Environmental Protection Agency — could be limited in their ability to weigh in on the permitting process.

The dozens of proposals, many esoteric, are meant to amplify one another so they pack a bigger cumulative punch. One, for instance, would make it much easier for federal agencies to declare that certain projects have no significant impact on the environment and don't require further study. Such declarations — known as "categorical exclusions" — are already widely used, easing the approval of many highway projects and others.

The Trump proposal would allow federal agencies to piggyback on other agencies' decisions about the kinds of projects that should be exempt from deeper environmental study to "reduce duplication and unnecessary environmental analysis." The proposal would exempt any of these rulings from judicial review under the Administrative Procedure Act, a law outside groups often use to challenge regulatory rollbacks.

The plan would also expand the government's ability to have private firms pay for the federal environmental reviews of their own projects. Any such change would "include appropriate controls for potential conflicts-of-interest."

Keith Benes, an environmental consultant who played a key role in overseeing TransCanada's permit application for the Keystone XL pipeline as a State Department attorney and adviser, said in an interview that the document highlights some significant problems in the current system. But in almost every instance, he noted, it simply eliminates a legal requirement that delays federal approval for projects.

"It's not, 'Let's streamline it or make it more effective,'" Benes said. "It's just, 'Let's get rid of that.'"

In several instances, the plan limits the extent to which the EPA can weigh in or block a project from going forward. In doing so, it could allow one particularly aggressive, pro-development corner of the federal bureaucracy to set a standard for the government as a whole.

The proposal would eliminate the EPA's ability to evaluate another agency's Environmental Impact Statement, a power that it invoked during the Obama administration's first term to stall approval of the Keystone XL pipeline. It also aims to "eliminate duplicative oversight" by abolishing the EPA's authority to "veto" a project on the grounds that it poses too grave a risk under the Clean Water Act.

The EPA used this authority in 2014 to block construction of a massive gold and copper mine near Alaska's Bristol Bay. Under Trump, the EPA reached a settlement with the mine's sponsor, Pebble Limited Partnership, and is now allowing the firm to apply for federal permits.

"What happened at Pebble, in terms of the preemptive veto approach that EPA used, sent a chill down throughout the mining community and investors," Hal Quinn, president and CEO of the National Mining Association, said in a recent interview.

The plan would also give the interior secretary the authority to approve rights of way for natural gas pipelines to cross national park lands, a move that currently requires congressional authorization. Another policy, if enacted, would have blocked the environmental review that held up construction of a drinking-water pipeline through the Mojave Desert under President Barack Obama.

The administration has already made at least one major change in its plan to address objections raised by conservationists. The draft obtained by The Post includes several provisions that would substantially change Endangered Species Act requirements, such as "providing more flexibility" on meeting legal deadlines for listing imperiled species and delegating the responsibility for crafting a habitat-conservation plan to the states.

Those changes are no longer in the White House plan, according to an individual who spoke on the condition of anonymity to discuss private deliberations.

A White House official said the draft was from "a much earlier stage in the policymaking process than where we are at right now and should not at all be considered as administration policy."

Besides streamlining permitting, the administration hopes to spur additional investment by state and local governments and the private sector in a broad array of infrastructure projects, including roads, bridges, rail lines, airports, waterways and broadband.

Administration officials have said publicly for months that they think \$200 billion in federal money over the next decade could spur at least \$800 billion more in spending by local governments and the private sector. More recently, Trump has offered a higher number, saying he believes the total new spending could exceed \$1.7 trillion dollars in the coming decade.

Part of the federal funding would be used to reward states and localities that raise taxes or other revenue to fund infrastructure in their jurisdictions. The White House also is looking at grants for new projects in rural areas and money for "transformational" work such as plans to build tunnels for high-speed trains.

In its last budget proposal, the White House said the government's \$200 billion share could be partly funded by cutting programs elsewhere. The U.S. Chamber of Commerce has urged the White House to consider an increase of 25 cents per gallon in the federal gas tax to help pay for the commitment.

## **Daily Caller**

<http://dailycaller.com/2018/01/26/epa-chlorpyrifos-pesticide-environmental-health/>

### **Trump's EPA Targets Academics For Hiding Data Used To Ban Popular Pesticide**

By Chris White, 1/26/18, 4:32 PM

The Environmental Protection Agency called out academics for using hidden data to pressure the agency into banning a widely used pesticide.

The EPA has sought data sets from a study Columbia Center for Children's Environmental Health (CCCEH) conducted that the former President Barack Obama-era agency used to justify a proposed rule in November 2015 to revoke the tolerances for chlorpyrifos, essentially banning the pesticide from use.

"Despite multiple requests, an EPA visit to Columbia, and a public commitment to 'share all data gathered,' CCCEH has not provided EPA with the data used," the agency wrote on a webpage connected to its website, which includes a list of the times the EPA has requested the data set.

The agency's Scientific Advisory Panel criticized the environmental health center's handling of the matter as well. "Some Panel members thought the quality of the CCCEH data is hard to assess when raw analytical data have not been made available, and the study has not been reproduced," the panel noted in 2016.

A panel of Ninth Circuit Court of Appeals judges ruled EPA had complied with a previous judicial order to respond to a petition filed by the Natural Resources Defense Council (NRDC) and the Pesticide Action Network North America in 2007.

The ruling was a major blow to environmentalists who have been trying for years to ban the pesticide chlorpyrifos, that farms across the country widely use to keep bugs from ruining food.

EPA denied the environmentalist petition in March to "revoke all food tolerances and cancel all registration" for chlorpyrifos. Dow Chemical, which manufactures the chemical, applauded EPA's ruling, as did the Department of Agriculture. EPA already restricts products containing chlorpyrifos for home and agricultural use.

U.S. farms use about 6 million pounds of chlorpyrifos each year. If nothing had changed legally, the EPA would no longer have allowed trace amounts of chlorpyrifos in food, effectively banning the pesticide in the country.

Chlorpyrifos is not the only chemical to come under scrutiny recently.

Republican Reps. Lamar Smith of Texas and Andy Biggs of Arizona sent letters to the International Agency for Research on Cancer in 2017 asking the U.N.-affiliated agency to answer questions about reports they edited data showing glyphosate causes health risks.

Separate letters to the agency's Director Chris Wild from both congressmen said they are "concerned about the scientific integrity" of cancer research agency's "monograph" program that assesses whether various substances can cause cancer.

The agency's 2015 study contains crucial edits made to bolster evidence that glyphosate could cause cancer in humans, reports show.

Smith and Biggs also express concerns that research methods are not transparent. They argued in a second letter that the agency's assessment meetings, deliberations and drafts are not made public.

## **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/01/georgia-asks-for-swift-action-on-wotus-injunction-request-486960>

### **Georgia asks for swift action on WOTUS injunction request**

By Annie Snider, 1/26/18, 4:24 PM

The state of Georgia is asking the 11th Circuit Court of Appeals to act swiftly in sending its lawsuit against the Obama administration's Waters of the U.S. rule back to district court in a bid to keep the 2015 rule from going into effect.

In a brief filed with the 11th Circuit today, Georgia and nine allied states asked judges to forego the normal waiting period during which the government can appeal the circuit court's decision to send the case back to the lower court so their request for a hold of the Obama-era rule can be heard before a nationwide stay is lifted.

While EPA is hoping to finalize a delay of the water rule soon, a stay by the Georgia court could act as a hedge.

In 2015, Georgia and nine other states petitioned the U.S. District Court for the Southern District of Georgia for a preliminary injunction blocking the controversial water rule, but the court denied it, concluding that the issue belonged in circuit court. The states appealed the decision to the 11th Circuit, which put the case on hold until Wednesday, when, after the Supreme Court's ruling that district courts do, in fact, have original jurisdiction over the issue, it sent the case back to district court.

But the case wouldn't actually be sent to the lower court until March 19, thanks to the waiting period. That means the nationwide stay of the rule, which was issued by the 6th Circuit Court of Appeals and will now be invalid thanks to the Supreme Court ruling, could lift before Georgia and its allies have a chance to have their injunction request heard.

WHAT'S NEXT: The Department of Justice has not said whether it will oppose Georgia's request to accelerate the return of the case to U.S. District Court for the Southern District of Georgia.

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## **Washington Post**

[https://www.washingtonpost.com/news/worldviews/wp/2018/01/29/german-car-makers-backed-studies-exposing-people-and-monkeys-to-toxic-car-exhaust/?utm\\_term=.47bc95067b0a](https://www.washingtonpost.com/news/worldviews/wp/2018/01/29/german-car-makers-backed-studies-exposing-people-and-monkeys-to-toxic-car-exhaust/?utm_term=.47bc95067b0a)

### **German carmakers backed studies exposing people and monkeys to toxic car exhaust**

By Rick Noack, 1/29/18, 9:54 AM

BERLIN — When German carmaker Volkswagen acknowledged last year that it was guilty of cheating on diesel emissions tests, the fallout cost the company \$25 billion. But the full extent of the company's willingness to sideline ethics concerns to increase profits is still emerging. Three German carmakers appear to have commissioned or supported a study in 2014 which exposed monkeys and humans to exhaust fumes and nitrogen dioxide, according to German media reports on Monday.

The study by the European Research Group on Environment and Health in the Transport Sector (EUGT) was never published, and the research institute overseeing it has since been dissolved. All three carmakers involved in the study — Daimler, BMW and Volkswagen — distanced themselves from the research over the weekend.

"We are shocked by the extent and application of the studies ... We condemn the experiments in the strongest terms," carmaker Daimler wrote. The statement, released at a time when only experiments with monkeys but not humans were publicly known, accused the researchers of having violated ethics rules and company values, even though an ethics commission had approved the study. Daimler and BMW said they had no knowledge of the Volkswagen-led study.



Meanwhile, Volkswagen blamed the “mistakes and misjudgments of individuals.”

The German government condemned the tests on Monday, even as questions were raised whether officials may have been aware of them for some time already. “Those tests ... are in no way ethically justifiable and they raise serious questions for those who backed them,” said a spokesman for German Chancellor Angela Merkel. The environmental minister similarly condemned the tests as “repugnant.”

In one of the experiments, monkeys were forced to inhale exhaust fumes from a Volkswagen Beetle car and an older pickup truck for several hours in an attempt to prove the Beetle’s clean emission standards. The monkey experiments were first reported by the New York Times last week and are shown in a reenactment in the new Netflix series “Dirty Money.”

Plans to also carry out the exhaust fumes experiments with humans were initially scrapped.

Human test subjects were still involved in a separate emissions study which also appears to have been encouraged by the three German carmakers, however. Germany’s Süddeutsche Zeitung and Stuttgarter Zeitung newspapers reported Monday that healthy test subjects were asked to inhale nitrogen dioxide (NO<sub>2</sub>), a gas that is primarily emitted through traffic. Even short-term inhaling of the gas can have serious health repercussions, according to the Environmental Protection Agency.

“Breathing air with a high concentration of NO<sub>2</sub> can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing), hospital admissions and visits to emergency rooms,” the EPA writes on its website.

The human experiments appear to have been conducted between 2012 and 2015, and there were no reports of subsequent injuries related to them. A researcher involved in the study acknowledged the experiments’ existence on Monday, but cautioned that the deployed nitrogen dioxide levels resembled those found in normal work spaces. He added that the three carmakers were aware of the human experiments but had no say over them. They appear to have been disconnected from emissions tests.

But the research institute behind the controversial tests was founded by Daimler, BMW, Volkswagen and automotive components supplier Bosch, which has raised questions over the extent to which the experiment with humans was backed by the three major carmakers, too.

Nitrogen dioxide was the gas at the center of Volkswagen’s emissions cheating scandal, which led to the U.S. Department of Justice charging the company with conspiring to defraud the government and violate environmental regulations last year. According to the DOJ, Volkswagen installed devices in its diesel engine vehicles that obscured the amount of emitted nitrogen dioxide.

The devices and software that accompanied it allowed the German carmaker to evade U.S. regulators for years. Overall, the evasion efforts affected 11 million vehicles across the globe and over 500,000 in the United States.

Last year, federal U.S. prosecutors indicted six Volkswagen executives in connection with the emissions scandal. Only one executive ended up being charged in the United States; the others escaped arrest. The pursuit of the six top people at the time was nevertheless a rare occurrence among big companies, whose executives hardly ever face time in jail.

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**Daily Caller**

<http://dailycaller.com/2018/01/29/german-institute-test-air-pollutants-humans/>

**This University Is Under Fire For Something Obama’s EPA Did Years Ago**

An auto industry-funded German research institute is in hot water for exposing about 25 young people to air pollution as part of a study into the effects of diesel exhaust on humans.

The German newspaper Stuttgarter Zeitung reported “around 25 healthy young people inhaled nitrogen dioxide in varying doses over a period of hours at an institute belonging to Aachen University in Germany,” according to Reuters.

Those experiments were conducted by the European Research Group on Environment and Health in the Transport Sector, which was funded by automakers Volkswagen, Daimler and BMW. The research group was dissolved last year.

Automakers came out to condemn the research, which exposed about two dozen individuals to a component of diesel exhaust the World Health Organization says is carcinogenic. The European Research Group also came under fire for exposing monkeys to nitrogen dioxide, The New York Times reported. The news comes after Volkswagen got caught installing software into diesel cars to fool government emissions testing equipment.

The group’s human testing mirrors past studies conducted by the Environmental Protection Agency involving human subjects.

In 2014, the EPA Office of Inspector General released a report on five agency experiments conducted in 2010 and 2011 that exposed people, including those with asthma and heart problems, to fine particulate matter, diesel fumes and ozone at levels far above what officials considered safe.

A government watchdog group also found EPA funded studies that exposed children to diesel exhaust between 2003 and 2010, conducted at the University of Southern California and the University of California, Los Angeles.

EPA says all three of those pollutants are hazardous to human health, including premature death. Despite this, the agency “exposure risks were not always consistently represented,” the inspector general found in 2014.

“Further, the EPA did not include information on long-term cancer risks in its diesel exhaust studies’ consent forms,” the report noted. “An EPA manager considered these long-term risks minimal for short-term study exposures” but “human subjects were not informed of this risk in the consent form.”

“[O]nly one of five studies’ consent forms provided the subject with information on the upper range of the pollutant” they would be exposed to, and only “two of five alerted study subjects to the risk of death for older individuals with cardiovascular disease.”

EPA funded the experiments to support their regulatory agenda to clamp down on certain types of air pollutants, especially particulates and ozone. While no permanent or long-term damages were reported in the studies examined by the inspector general’s office, some study human test subjects did experience some health problems.

No one died in the studies, but one test subject — a 58-year-old obese woman with medical problems and a family history of heart disease — was ordered to go to the hospital after being exposed to “ambient air pollution particles” in October 2010.

Another subject developed a persistent cough after being exposed to ozone for 15 minutes in April 2011, and two other subjects suffered from “cardiac arrhythmias” during testing in 2010 after being exposed to “clean air.”

EPA defended its human experiments, and three years later a National Academies of Science panel found that “EPA’s procedures are consistent with and indicative of ethical approaches to human-subjects research.”

Likewise, European researchers found nitrogen dioxide emissions had no effect on about two dozen young, healthy test subjects. University of Aachen defended the studies, saying they were approved by independent ethics boards.

However, European politicians were quick to condemn the research into humans.

"The words 'absurd and abhorrent' of course apply more than ever if the same is applied to humans," said Lower Saxony's Prime Minister Stephan Weil. "It must now be established whether that is the case, under whose orders and when."

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#### **Washington Examiner**

<http://www.washingtonexaminer.com/big-green-readies-dozens-of-lawsuits-as-only-antidote-for-trump-epa/article/2647304>

#### **Big green readies dozens of lawsuits as only 'antidote' for Trump EPA**

By John Siciliano, 1/27/18, 2:44 PM

The president of a major environmental group says there is only one "antidote" for President Trump's Environmental Protection Agency, which is the federal court system and an endless stream of lawsuits.

"It's a new year, but EPA Administrator Scott Pruitt wants to roll back the clock on environmental protections and drag us back decades," said Natural Resources Defense Council president Rhea Suh in a note to supporters Saturday.

"The best antidote to Pruitt's illegal attacks on our environment? Federal court," she said.

The group is preparing to file a number of lawsuits against Trump's EPA, and is asking supporters to increase their financial contributions to support the coming court effort.

She claims that the group has already "scored" legal victories over the Trump administration, "and we're gearing up to file suits on dozens of fronts in the year ahead," Suh said.

Suh mentions a few priorities in continuing to challenge Pruitt's chemical and pesticide approval agenda, which includes compelling Pruitt to move forward with the agency's planned ban on chlorpyrifos. The chemical is described as "a nerve gas pesticide" shown to cause developmental damage in children, including lower IQs and serious neurological damage, said Suh.

She also wants to stop Pruitt from "greenlighting" neonicotinoid pesticides that have been linked to the deaths of pollinating insects like bees and butterflies.

Suh was a little behind on another priority she listed in Saturday's note, citing Pebble Mine in Alaska, which she wants to see never opened. Pruitt actually reversed his decision to open the gold mine Friday night. So, the group got its wish early.

"My judgment at this time is that any mining projects in the region likely pose a risk to the abundant natural resources that exist there," Pruitt tweeted Friday night.

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#### **The Hill**

<http://thehill.com/policy/energy-environment/371056-top-environmental-group-preparing-to-sue-trumps-epa>

#### **Top environmental group preparing to sue Trump's EPA**

By John Bowden, 1/27/18, 3:43 PM

A top environmental advocacy group is preparing a lawsuit against the Environmental Protection Agency (EPA), helmed by Scott Pruitt, for the agency's rollback of environmental protections under the Trump administration.

Natural Resources Defense Council (NRDC) President Rhea Suh told supporters in a note obtained by the Washington Examiner on Saturday that the federal court system is the best "antidote" to Pruitt's policies.

"It's a new year, but EPA Administrator Scott Pruitt wants to roll back the clock on environmental protections and drag us back decades," Suh wrote in the letter to supporters.

"The best antidote to Pruitt's illegal attacks on our environment? Federal court," she adds. "We're gearing up to file suits on dozens of fronts in the year ahead."

In a tweet Saturday, the group also quoted former EPA chief Carol Browner, who attacked Pruitt's leadership of the agency.

"Under Pruitt, what [the EPA is] doing is conscientiously tearing the place down," Browner said.

"Under Pruitt, what [the EPA is] doing is conscientiously tearing the place down." - Carol Browner, former EPA administrator

Act Now: <https://t.co/iaYC6lfX1R> <https://t.co/lh9gUWATLb>

— NRDC (@NRDC) January 27, 2018

In the note, Suh notes a number of priorities for the NRDC in the year ahead, including preventing Pruitt from "greenlighting" neonicotinoid pesticides, which some scientists say pose a risk to pollinating insects such as bees.

The NRDC joined a number of groups last year in an unsuccessful push against President Trump's "one in, two out" executive order, which directs federal agencies to repeal two regulations for each new one they issue.

"President Trump's order would deny Americans the basic protections they rightly expect," Suh said in a statement last year. "New efforts to stop pollution don't automatically make old ones unnecessary."

"When you make policy by tweet, it yields irrational rules," she added. "This order imposes a false choice between clean air, clean water, safe food and other environmental safeguards."

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### **The Hill**

<http://thehill.com/policy/energy-environment/371053-first-epa-chief-gop-climate-change-denial-a-threat-to-the-country>

#### **First EPA chief: GOP climate change denial 'a threat to the country'**

By Brandon Carter, 1/27/18, 2:16 PM

The first head of the Environmental Protection Agency (EPA) slammed President Trump and Republicans in a new interview, saying their environmental policies and denials of the threat posed by climate change are dangerous for the U.S.

"It's a threat to the country," William Ruckelshaus, the first head of the EPA who was appointed under former President Nixon, told HuffPost. "If you don't step up and take care of real problems, and don't do anything about it, lives will be sacrificed."

"They certainly are killing everything," he continued.

Ruckelshaus compared Trump's EPA chief, Scott Pruitt, to Anne Gorsuch, a former EPA administrator under President Reagan who was held in contempt of Congress after refusing to turn over records related to the mishandling of toxic waste.

"They don't believe in the mission of the agency," Ruckelshaus told HuffPost. "Neither one of them did. Anne Gorsuch did not, and I don't think Pruitt does either. They think we're over-regulating."

The former EPA head ripped Pruitt, saying he has an "ideological approach" to running the EPA, one "that affects the large contributors in his party in Oklahoma." He also slammed Pruitt's attitude toward climate change research.

"If your position is, 'I don't believe the science, therefore I'm going to get rid of all the scientists studying this, and let's not mention it in any public announcement,' that's just crazy," Ruckelshaus said. "What you want to do is more science."

In October, Pruitt formally proposed repealing former President Obama's landmark climate change rule for power plants.

Trump in June also said he would withdraw the United States from the Paris climate agreement, pulling back another part of Obama's climate work.

The Clean Power Plan was the centerpiece of America's commitment to the Paris deal.

Pruitt has also planned to hold a public debate to challenge consensus on climate change science, but that plan was put on hold last month.

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#### **E&E News PM**

<https://www.eenews.net/eenewspm/stories/1060072141/search?keyword=EPA>

#### **Waste storage rule changes to result in \$32M compliance savings**

By Sean Reilly, 1/26/18

U.S. EPA has finished work on changes to 2015 hazardous pollutant regulations that the agency says will afford about the same degree of environmental protection while saving one niche of the waste industry tens of millions of dollars.

The changes, set for publication in Monday's Federal Register as a final rule, pertain to businesses that store and treat used oil, used solvents and other wastes. The rule would drop an earlier requirement that those companies monitor the pressure relief devices used to prevent potentially perilous vapor buildups in storage containers.

That shift doesn't substantially change the level of protection furnished by the original 2015 standards but "reduces burden to this industry" by \$28 million in capital costs on top of another \$4.2 million in the yearly price tag for compliance, according to the rule.

EPA had published the 2015 regulations for what are technically known as "off-site waste and recovery operations" following a legally required review to decide whether an update to the previous standards was needed in light of improved technology and increased knowledge about pollutants' health effects.

The American Chemistry Council then sued, alleging that the new regulations effectively created a zero-emissions limit, contrary to a Clean Air Act requirement that EPA base standards on the best-performing sources. Under a 2016

settlement, agency officials agreed to reconsider the pressure relief device monitoring provisions. Completion of the final rule follows a timetable laid out in that agreement (Greenwire, Dec. 16, 2016).

Opposing the change was the Sierra Club, which argued that monitoring was essential to ensuring compliance.

While EPA had concluded that dropping the requirement posed only a "low" potential for hazardous pollutant releases, the agency knows that such releases had occurred in the past "and thus are likely to occur in the future," an attorney for the environmental group wrote in comments on the draft rule last September.

In pursuing the initial 2015 regulations, EPA had counted about 50 "major source" operations that would be affected, with the new standards cutting emissions of methanol, toluene and other pollutants about 200 tons per year.

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### **Washington Examiner**

<http://www.washingtonexaminer.com/pressure-mounts-on-epa-to-backtrack-on-ethanol-pledge/article/2647224>

#### **Pressure mounts on EPA to backtrack on ethanol pledge**

By John Siciliano, 1/26/18, 2:37 PM

EPA Administrator Scott Pruitt may have to backtrack on promises he made to Midwest ethanol supporters if the administration wants to save refinery jobs on the East Coast.

Dozens of petitions from small refiners are landing in Pruitt's inbox asking him to waive the renewable fuel mandate in the wake of the bankruptcy filing by the Philadelphia Energy Resources refinery.

Industry sources say the petitions will force Pruitt to decide whether to take action against the Renewable Fuel Standard in the short term. The only other option is to wait for the concerns to be hashed out in major reform legislation being crafted by Senate Majority Whip John Cornyn, R-Texas, who wants a measure to resolve all outstanding issues with the ethanol mandate.

Pruitt is legally obligated to rule on the dozens of formal Clean Air Act waiver petitions he is receiving. The mandate allows waivers for small refineries that can demonstrate that the annual requirements for blending renewable fuel and ethanol "would cause the refinery to suffer disproportionate economic hardship," according to EPA.

The refiners argue that the mandate forces them to buy expensive renewable identification number credits, or RINs, which led to the Philadelphia refinery filing for bankruptcy and hundreds of workers losing their jobs.

He also could look at relaxing enforcement. But that is sure to result in massive political blowback in Congress and in the courts, sources close to the issue say.

The ethanol industry began pushing back against the petitions Friday, sending a letter to Pruitt saying he is constrained by law on the number of petitions he can grant and to which refiners.

Renewable Fuels Association President Bob Dinneen fears Pruitt could expand the small refiner exemption to include a host of companies that don't fit under the criteria for the exemption. He said in the letter that any "ill-conceived and unauthorized expansion" of the exemption for small refiners "could destabilize the market for renewable fuels and undermine Congress's goals for the RFS program."

Dinneen, who is one the ethanol industry's top lobbyists, wants assurances from Pruitt that he won't carry out a policy of widespread exemptions on the dozens of petitions being filed.

"The net effect of the agency's position, if numerous exemptions are granted, would be to reduce the volumetric RFS mandates outside of the public rulemaking process for establishing renewable volume obligations," Dinneen wrote. That means the exemptions would cut the blending requirements that refiners have to meet by using the petitions as a back-channel way of doing so.

In many ways, Pruitt's hands are tied. He cannot go back on a deal he secured last year with the Iowa ethanol delegation in Congress to reject fundamental changes to the ethanol program and allow refiners off the hook on meeting the RFS annual blending requirements.

The feud over the fate of the standard has risen to the level of the White House, with Sen. Ted Cruz, R-Texas, trying to force a meeting of the minds with Sen. Chuck Grassley, R-Iowa, an ardent ethanol supporter, to find a solution that supports both the refiners and renewable fuels industry. But that process was unsuccessful, with Grassley's office saying the "next step is for Sen. Cruz to circulate specific proposals for consideration" where the "integrity" of the RFS is maintained. The Cornyn draft is that next step, say aides and industry sources.

Meanwhile, union groups have been upping the pressure on Pruitt in a letter campaign that continued Friday.

The latest in the growing number of groups calling on him to take action came from the pipefitters union Thursday after the steelmakers called on Pruitt to roll back the mandate.

The costly RIN credits are the primary way for small independent refiners to meet the RFS requirements, said pipefitters union boss Mark McManus. The refiners don't have a way to blend ethanol into gasoline as do Exxon and Shell, which own both refining and retail blending infrastructure.

McManus said Philadelphia Energy's Chapter 11 bankruptcy filing is proof of the harmful effects of the RFS on the smaller classes of refiners and the need for Pruitt to address the concern soon.

"This process forces refineries to spend hundreds of millions of dollars each year to comply with the regulations," he wrote to Pruitt. "In fact, [Philadelphia Energy Solutions] has spent over \$800 million since 2012 alone. These expenditures neither benefit the environment nor economy and would have been better utilized for capital investment, maintenance and modernization of facilities — all which would have put our members to work."

His comments followed a statement by the United Steelworkers union scolding Pruitt and the Trump administration for their "indifference" on the issue, calling the RFS a key contributor to the bankruptcy.

"Continued indifference by the administration and EPA will only drive more East Coast refineries into bankruptcy while thousands of good jobs that allow highly skilled workers to support their families and sustain their communities are at stake," said Kim Nibarger, the union's National Oil Bargaining chairwoman.

Nibarger wants Pruitt to resurrect a plan put forth by former Trump adviser Carl Icahn to change the mandate's point of obligation, which would remove the burden of meeting the ethanol standard from the refiners and place it on fuel retailers further down market.

Industry sources say resurrecting the Icahn plan is a nonstarter, especially given that federal prosecutors are looking at Icahn over conflicts of interest in peddling the RFS plan that would help refining companies he has a stake in.

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#### **E&E Climatewire**

<https://www.eenews.net/climatewire/stories/1060072161/search?keyword=EPA>

#### **Lawmakers to announce 'cap-and-dividend' bill today**

By Josh Kurtz, 1/29/18

Democrats in the Senate and House plan to introduce "cap-and-dividend" legislation this week, a new entry into the limited debate on Capitol Hill about how to combat climate change.

The "Healthy Climate and Family Security Act," sponsored by Sen. Chris Van Hollen (D-Md.) and Rep. Don Beyer (D-Va.), would set CO2 emissions caps and auction carbon credits to the first sellers of coal, oil and natural gas into the U.S. market. The dividends would be returned to American taxpayers quarterly.

"The Healthy Climate and Family Security Act is a simple, effective, and transparent way to combat climate change while supporting economic growth and a thriving middle class," a summary sheet on the pending legislation argues. "The solution is market based, pro-growth, and is built to last."

Van Hollen and Beyer are scheduled to explain their bill in a press call this afternoon. They will be joined on the teleconference by the Rev. Lennox Yearwood, president and CEO of the Hip Hop Caucus, and Mike Tidwell, director of the Chesapeake Climate Action Network. The Sierra Club and Environmental Defense Fund are also supporting the legislation, the lawmakers said.

According to the summary provided to E&E News yesterday, the bill would:

- Use a declining cap to reduce CO2 emissions to 80 percent below 2005 levels by 2050.
- Auction carbon permits to the first sellers of oil, coal and natural gas into the U.S. market.
- Return 100 percent of auction proceeds to every American with a valid Social Security number in the form of a "Healthy Climate Dividend."
- Include border adjustment protections to ensure U.S. companies are not disadvantaged when competing against foreign competitors at home or abroad.
- Achieve additional greenhouse gas emissions reductions through the Clean Air Act and other relevant authorities.
- The Treasury Department would conduct the emissions auctions and distribute the proceeds to taxpayers.

Beginning in 2019, crude oil refineries, petroleum importers, coal mines, coal importers and natural gas suppliers or processors would be required to purchase carbon permits equivalent to the amount of CO2 emitted by covered fuels. Treasury would auction these permits to those entities.

The bill would provide for the trading or sale of permits between entities and allow banking of permits for future years.

"The approach taken by this legislation will enable the United States to achieve scientifically driven reductions in greenhouse gas emissions while supporting vibrant economic growth and actually increasing incomes for an estimated 80 percent of American households," according to a release announcing today's news conference.

The measure would also require U.S. EPA to regulate within 10 years all sources of greenhouse gases that are anthropogenically emitted. Gases attributable to the production of animals for food would be exempted.

The legislation isn't likely to get much traction in the current Congress, which is overseen by Republican leaders who are largely skeptical of climate science and who have worked to scale back environmental regulations rather than embrace new ones. But it could serve to help frame the climate debate in the upcoming midterm election and would likely be more viable if Democrats were to gain control of one or both chambers in the next Congress. Even then, it would almost certainly be opposed by the Trump administration.

Van Hollen is chairman of the Democratic Senatorial Campaign Committee, and is poised to play an elevated role in climate and environmental policy now that he has joined the Environment and Public Works Committee. Beyer, a member of the House Natural Resources and Science, Space and Technology committees, has been a climate hawk since entering Congress in 2015.



The lawmakers are expected to argue that their bill would benefit both the environment and the economy.

"On an economy-wide level, the price signal placed on carbon pollution will accelerate innovation and incentivize both greater energy efficiency as well as greater use of lower-carbon energy alternatives," the bill summary says.

Democrats in both chambers have introduced carbon tax legislation, the "American Opportunity Carbon Fee Act." The lead sponsors are Sens. Sheldon Whitehouse of Rhode Island and Brian Schatz of Hawaii and Reps. David Cicilline of Rhode Island and Earl Blumenauer of Oregon.

The bipartisan Climate Solutions Caucus may also submit carbon tax legislation or other measures to address climate change before the end of this Congress. The caucus grew to 68 members last week with the addition of veteran Reps. Fred Upton (R-Mich.) and Jan Schakowsky (D-Ill.) (Greenwire, Jan. 26).

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## **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/01/epa-watchdog-pressed-white-house-for-more-money-493249>

### **EPA watchdog pressed White House for more money**

By Alex Guillen, 1/29/18, 12:35 PM

EPA's inspector general warned the White House last fall that its upcoming budget request for fiscal year 2019 would create a "significant challenge" for the watchdog.

The Sep. 7 memo from EPA IG Arthur Elkins, Jr., to OMB Director Mick Mulvaney indicates that OMB planned to ask for less than \$41.4 million, the current budget for the OIG, which is funded separately from the broader EPA. The memo was released by EPA under the Freedom of Information Act.

"A budget of \$41 million will virtually eliminate the OIG's ability to perform discretionary audits and program evaluations," Elkins wrote. Elkins instead asked OMB to request \$62 million for his office, and noted that if Mulvaney would not fulfill that request, the Inspector General Act requires that he transmit Elkins' message directly to the president.

The OIG got \$41.4 million in fiscal 2017, and is on track to maintain that level for 2018 due to the series of continuing resolutions funding the government. President Donald Trump's proposed budget last year would have seen the OIG's budget shaved to \$37.4 million. House and Senate appropriations bills for fiscal 2018 both proposed a slight cut of \$40 million for the OIG. The Obama administration's 2017 budget request sought \$51.5 million for the OIG.

The IG has launched several inquiries related to Administrator Scott Pruitt, including into his domestic and foreign travel and his \$25,000 secure phone booth.

WHAT'S NEXT: The White House is expected to release the 2019 budget request on Feb. 12.

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## **AP**

<https://apnews.com/f22afa06311f4366821aaa59223d5f34/EPA-reaches-agreement-over-cleanup-of-Butte-Hill-Superfund>

### **EPA reaches agreement over cleanup of Butte Hill Superfund**

1/26/18

BUTTE, Mont. (AP) — The Environmental Protection Agency on Friday said it has reached an agreement that could conclude the cleanup of mining waste in Butte and remove the area from the Superfund list.

The agreement was negotiated in secret over the past dozen years, the details have not been released and it has not been signed, the Montana Standard reported .

EPA Regional Administrator Doug Benevento called the agreement “a long-awaited milestone that will bring the Butte community closer to a post-Superfund future.”

Butte-Silver Bow Chief Executive Dave Palmer said city and county officials fought for comprehensive cleanup of tailings and other mine waste.

The area was declared a Superfund site in 1983. A considerable amount of cleanup work has been done over the last 35 years, but residents have argued that tailings and waste buried behind the Butte Civic Center should be cleaned up.

“Our goal was to get a good cleanup, protect our taxpayers, and realize a good reuse of a cleaned up corridor. I believe we have achieved that goal,” Palmer said. “There is still a lot of hard work to be done but we are headed in the right direction.”

A court’s confidentiality order covered the talks, making it unclear when the EPA can release the terms of the agreement it reached with the Atlantic Richfield Co., the county, railroads and state agencies. Residents will have an opportunity to comment on the plan before it is made permanent.

“Cleaning up America’s most contaminated sites has been a priority since the get-go of this administration and the Silver Bow Creek Butte Area is no exception,” EPA Administrator Scott Pruitt said Friday. “Today, EPA is taking the necessary steps to ensure a full, protective cleanup for these Montana communities to achieve better environmental and health outcomes.”

Pruitt put both Butte and a separate Superfund site in Anaconda on his “emphasis list” last month, meaning both sites are being fast-tracked for completion.

“Butte has deserved certainty and action for decades and I could not be more pleased that today, together with the EPA, we are delivering on both,” said Montana Gov. Steve Bullock. “The citizens and community of Butte can finally rest assured we are on a path to get the job done once and for all.”

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### **Washington Examiner**

<http://www.washingtonexaminer.com/epa-california-must-compromise-in-their-fight-over-weakened-fuel-efficiency-standards-experts-say/article/2647290>

### **EPA, California must compromise in their fight over weakened fuel-efficiency standards, experts say**

By Josh Siegel, 1/29/18, 12:01 AM

The Trump administration will have to compromise if it’s serious about maintaining “one national program” for vehicle emissions rules and wants to avoid a legal battle with California, experts say.

California state leaders have defied the Trump administration on issues including climate change, immigration, and taxes – and environmental regulations on cars and trucks is no exception.

California, which can set its own fuel efficiency standards, has fought the Environmental Protection Agency over the proposed weakening of rules set by the Obama administration that would require automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025.

A top EPA official said Thursday at the Washington Auto Show, which opens for the general public this week, that the agency wants to make nice with California.

"This obviously is a very important issue, and I have no interest whatsoever in withdrawing California's ability to regulate," said EPA Assistant Administrator Bill Wehrum, who leads the agency's Office of Air and Radiation. "From a good solid public policy standpoint, the very best outcome for all of us to achieve is one national program."

Wehrum added the EPA has had "productive conversations" with the California Air Resources Board, and said the agency intends to meet the April 1 deadline for setting vehicle emissions standards for 2022-2025 model years.

A spokesman for the California Air Resources Board told the Washington Examiner it plans to "stay at the table" in negotiations with the EPA.

But the California Air Resources Board has previously warned the state could withdraw from the nationwide vehicle emissions program if the EPA limits the Obama regulations.

Experts who favor one nationwide program instead of a "patchwork" of unaligned rules say the Trump administration will have to compromise if it wants to keep California in line.

"California and the federal government need to get together to solve this problem," said Robbie Diamond, president and CEO of Securing America's Future Energy, a nonprofit that seeks to reduce the U.S.' demand for oil through improved vehicle efficiency. "Car companies are at pivotal moment with all this new technology coming at them at a fast speed. To get a solution, we think there has to be a clear signal from the federal government that they are willing to provide a lower number for fuel efficiency in the short-term to get the largest number in the long-term."

Diamond says the EPA should propose tougher rules for 2026-2030, when he says carmakers would be better equipped to adapt to technological changes, in exchange for weakening the standards for the 2022-2025 vehicles.

Dave Cooke, a senior vehicle analyst at the Union of Concerned Scientists, doubts the Trump administration would consider proposing rules for years after 2025. That's because the National Highway Traffic Safety Administration, which administers the fuel efficiency standards program, can only finalize rules every five years.

"I don't anticipate EPA making 2030 standards under the current administration," Cooke said.

Automakers have pressed for relief from the rules the Obama administration set for 2022-2025, arguing low gasoline prices have weakened consumer demand for hybrid-electric cars and smaller, fuel-efficient models.

Less fuel-efficient SUVs and light trucks have become more popular in recent years, meaning manufacturers are having difficulty hitting the fuel-efficiency targets, automakers say.

A recent EPA report determined the auto industry missed its emissions target for the first time in 2016, a finding that automakers have used as evidence the standards are too stringent.

The Association of Global Automakers, the main trade group representing manufacturers of automobiles and light duty trucks, would not comment.

California, however, has long fought to go its own way.

Federal law since 1967 has allowed California, because of severe air pollution problems caused by smog, to obtain a waiver allowing it to set its own fuel efficiency regulations that are tougher than the national standards.

Other states can follow those instead. Collectively, states representing roughly 40 percent of the U.S. car market abide by California's rules.

California Gov. Jerry Brown called the Trump administration's decision to review the standards a "gift to polluters" in a letter last year to EPA Administrator Scott Pruitt.

The state is the nation's largest market for zero-emission, electric vehicles. There were 25,000 electric vehicles on California's roads in 2012, compared to more than 350,000 today.

Brown, a Democrat, issued an executive order Friday to put at least 5 million electric cars on California roads by 2030.

Moody's recently predicted that electric vehicles, which are now less than 1 percent of global car sales, will grow to 17 to 19 percent of the market by 2030.

Cooke says the U.S. has benefited from California's leadership in cleaning up the auto industry, and the Trump administration should strive to keep up with the state's standards.

"As a country, we have benefited pretty strongly from California's historical leadership in the automotive sector," Cooke said. "They led the way on tailpipe emissions standards in the 1990s and 2000s, and they have led the way on greenhouse gas emissions. They have catalyzed leadership for the U.S., and that's one of the major questions facing the Trump administration. Is the U.S. willing to cede that leadership to China or Europe? California has looked at the data and said, why would we give up these targets that are achievable and provide tremendous benefits to the state."

Diamond says he prefers California and the Trump administration compromise on new national standards to provide more certainty in the marketplace and eliminate the prospect of a legal battle.

He insists there is a deal to be had.

"There has been this sense the auto industry is trying to gut this thing, but that is not the case at all," Diamond said. "The point of the review is not to throw out the baby with the bathwater. Going to court and creating uncertainty at a time of incredible change to the industry because of technology is the worst thing that can happen."

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### **The Hill**

<http://thehill.com/policy/energy-environment/370971-california-governor-announces-multibillion-dollar-investment-to>  
**California aims to get 5 million zero-emission cars on the road**

By Miranda Green, 1/26/18, 5:04 PM

California Gov. Jerry Brown (D) signed a statewide executive order Friday aimed at dramatically increasing the number of zero-emission vehicles on the state's roads and reducing carbon pollution over the next 12 years.

The state will work to get 5 million zero-emission vehicles on California roads by 2030, a goal Brown announced at his State of the State speech Thursday night. The executive order also details investing \$1.25 billion in cap-and-trade auction proceeds and another \$2.5 billion investment over eight years to bring a quarter million vehicle-charging stations to the state by 2025.

"This executive order aims to curb carbon pollution from cars and trucks and boost the number of zero-emission vehicles driven in California," said Brown in a statement Friday. "In addition, the cap-and-trade investments will, in varying degrees, reduce California's carbon footprint and improve the quality of life for all."

California has taken big steps to reduce carbon emissions from transportation in the state. The sector accounts for 50 percent of greenhouse gases in California and 80 percent of the pollutants that cause smog, according to Brown's statement.

The state may also soon be facing a fight with the Trump administration over vehicle fuel standards. California under the Obama administration used a waiver to implement more stringent state emissions standards than mandated under federal law.

President Trump has promised to roll back regulations and the Environmental Protection Agency (EPA) is currently considering revising the federal vehicle emissions standard.

EPA air and radiation head Bill Wehrum announced at an event Thursday that the administration is favoring a unified national fuel emissions standard for automobiles, which could challenge California's stricter standard.

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#### **Washington Examiner**

<http://www.washingtonexaminer.com/epa-frees-arkansas-from-obama-era-coal-restrictions/article/2647378>

#### **EPA frees Arkansas from Obama-era coal restrictions**

By John Siciliano, 1/29/18, 11:55 AM

The Environmental Protection Agency announced Monday that it has scrapped limits on coal burning that the Obama administration imposed on Arkansas, which were expected to force power plants in that state to invest in costly upgrades or shut down, and instead said Arkansas was free to pursue its own plan to cut back pollution.

EPA chief Scott Pruitt said his agency was freeing Arkansas from limits that the Obama administration tried to impose on the state when it rejected Arkansas' plan. The Obama-era plan was aimed at reducing nitrogen dioxide under the EPA's regional haze rule, which coal-fired power plants saw as a threat.

Arkansas' primary fuel source for electricity production is coal, although it is moving toward using more natural gas. Pruitt said Monday's actions were aimed at assisting the state's power plants.

The EPA said the action is the first step toward replacing the "embattled and one-size-fits-all" Federal Implementation Plan that dates back to 2012. EPA has the authority to impose federal plans on states if they are unable to meet pollution standards through their own programs. Most states seek to avoid being "FIPed," as the process is often referred to by state regulators.

"Arkansas' revised plan is yet another excellent example of the positive environmental outcomes we are achieving across the country from a cooperative federalism approach," Pruitt said. "After working closely with Arkansas, this action returns power back to the rightful hands of the state and gives them the necessary flexibility to improve air quality."

More than 50 federal plans were imposed under the Obama administration's EPA. Twenty of the FIPs were under the Regional Haze program, according to EPA.

Under the Trump administration, Pruitt's EPA "has turned at least one FIP" back into a state-implemented plan every month, according to the agency.

EPA said it has approved more than 200 state implementation plans since March 1, 2017.

“States are best suited to run their clean-air programs and EPA will continue to work with our state partners to make sure Clean Air Act standards are met in Arkansas and across the country,” EPA said on Monday.

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## **AP**

<https://apnews.com/5fe5ae4b392e4fda977a7c0c5d6b192e/EPA-surveys-Oklahoma-residents-near-polluted-site>

### **EPA surveys Oklahoma residents near polluted site**

1/29/18

PICHER, Okla. (AP) — The U.S. Environmental Protection Agency is asking residents near a polluted site in northeast Oklahoma how much fish they eat and how often they wade in the local waters.

The Tulsa World reports that two surveys were administered by the EPA’s Technical Assistance for Communities to residents of areas near the Tar Creek Superfund site. It asks residents to gauge the accuracy of certain statements and offer comments for improvements.

The 40-square-mile (64-kilometer) site encompasses a portion of the Tar Creek, Elk Creek, Spring River, Neosho River and Grand Lake watersheds.

The EPA is still in the planning phase to deal with sediment concentrations and possible cleanup methods for the site.

An EPA spokesman says the public comments will help the agency develop clean-up goals for the site.

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## **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/01/court-rejects-rehearing-in-hfc-case-488238>

### **Court rejects rehearing in HFC case**

By Eric Wolff, 1/26/18, 5:22 PM

The D.C. Circuit today said it would not rehear a case overturning EPA's regulation to limit use of hydrofluorocarbons.

The court rejected a request by EPA and manufacturers to revisit its August rejection of EPA's rule phasing down use of the global-warming inducing coolant. Industry groups and the Natural Resources Defense Council had hoped to get a more favorable rule from the full circuit, which has a majority of Democratic appointees. But the court couldn't find enough votes for the rehearing.

The EPA rule was designed to implement new provisions of the Montreal Protocol, which phase down use of the HFCs globally in favor of modern coolants largely made by U.S. companies. Unless industry and EPA can get the Supreme Court to overturn the lower court, the agency will likely turn to the Toxic Substances Control Act to provide rulemaking authority or ask Congress to pass a new law to implement the treaty.

The U.S. has yet to ratify its participation in the amendment to the Montreal Protocol limiting HFCs, but the Trump administration announced it would support the treaty in a Thanksgiving Day announcement by State Department officials.

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**AP**

<https://apnews.com/7548beef90f041d4acdc70a94538cd53/Settlement-reached-in-East-Chicago-pollution-lawsuit>

## **Settlement reached in East Chicago pollution lawsuit**

1/26/18

EAST CHICAGO, Ind. (AP) — An Indiana energy company has reached a court settlement with the state and federal governments to clean up operations, resolving a case that involved hundreds of violations of federal pollution standards.

Cokenergy, Sun Coke Energy and its subsidiary, Indiana Harbor Coke Co., supply coke for the blast furnaces at the ArcelorMittal Indiana Harbor steel mill in East Chicago. The city struggles with high rates of asthma, cancer and infant mortality due to harmful air pollution.

Under the agreement with the U.S. Environmental Protection Agency, the company will overhaul the facility on the southwest shore of Lake Michigan to curb emissions of brain-damaging lead and lung-damaging soot, sulfur dioxide and volatile chemicals.

“Today’s settlement is one example of how EPA is committed to reducing exposure to lead and other contaminants in communities across the country,” EPA Administrator Scott Pruitt said in a news release Thursday. “Lead exposure is a serious problem and reducing it is a priority for EPA.”

The company’s pollution violations involved toxic gases, metals and other pollution leaking from coke oven doors or released directly into the air rather than being channeled through pollution-control equipment. It had been on the EPA’s watchlist of offenders for years.

The company has agreed to pay a \$5 million fine and will spend \$250,000 to clean up lead contamination in East Chicago.

The settlement is subject to a 30-day public comment period before the federal court can approve it.

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**AP**

<https://apnews.com/4d11dc37a05047c0843524218ed6624b/Public-meeting-scheduled-on-protecting-Lake-Superior-reef>

## **Public meeting scheduled on protecting Lake Superior reef**

1/29/18

LAKE LINDEN, Mich. (AP) — A campaign to protect a crucial Lake Superior fish spawning area gets underway this week.

A public meeting on Buffalo Reef is scheduled for 6 p.m. Tuesday at Lake Linden-Hubbell High School in Houghton County.

Waste material known as “stamp sands” were dumped into the lake during the copper mining boom of the early 1900s.

The coarse, black sands have drifted toward the reef and threaten to smother it.

Nearly one-quarter of the annual lake trout yield from Lake Superior’s Michigan waters comes from within 50 miles of Buffalo Reef.

Dredging planned for May would remove more than 200,000 cubic yards of sands from the lake. That would protect the reef for about seven years.

The U.S. Environmental Protection Agency established a task force to seek a long-term solution.